

section 3(a) shall be retroactive to June 13, 1991.

“(b) NO FURTHER REVIEW.—Notwithstanding subchapter IV of title 5, United States Code (commonly known as the Administrative Dispute Resolution Act), the decision of the arbitrator shall be final and conclusive upon the Secretary and the Concessioner and shall not be subject to judicial review.

“SEC. 6. GENERAL AUTHORITY.

“Except to the extent inconsistent with this Act, the arbitration under this Act shall be conducted in accordance with subchapter IV of title 5, United States Code.”.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 2331), as amended, was read the third time and passed, as follows:

S. 2331

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. ARBITRATION REQUIREMENT.

The Secretary of the Interior (in this Act referred to as the “Secretary”) shall, upon the request of Fort Sumter Tours, Inc. (in this Act referred to as the “Concessioner”), agree to binding arbitration to determine the franchise fee payable under the contract executed on June 13, 1986 by the Concessioner and the National Park Service, under which the Concessioner provides passenger boat service to Fort Sumter National Monument in Charleston Harbor, South Carolina (in this Act referred to as “the Contract”).

SEC. 2. APPOINTMENT OF THE ARBITRATOR.

(a) **MUTUAL AGREEMENT.**—Not later than 30 days after the date of enactment of this Act, the Secretary and the Concessioner shall jointly select a single arbitrator to conduct the arbitration under this Act.

(b) **FAILURE TO AGREE.**—If the Secretary and the Concessioner are unable to agree on the selection of a single arbitrator within 30 days after the date of enactment of this Act, within 30 days thereafter the Secretary and the Concessioner shall each select an arbitrator, the two arbitrators selected by the Secretary and the Concessioner shall jointly select a third arbitrator, and the three arbitrators shall jointly conduct the arbitration.

(c) **QUALIFICATIONS.**—Any arbitrator selected under either subsection (a) or subsection (b) shall be a neutral who meets the criteria of section 573 of title 5, United States Code.

(d) **PAYMENT OF EXPENSES.**—The Secretary and the Concessioner shall share equally the expenses of the arbitration.

(e) **DEFINITION.**—As used in this Act, the term “arbitrator” includes either a single arbitrator selected under subsection (a) or a three-member panel of arbitrators selected under subsection (b).

SEC. 3. SCOPE OF THE ARBITRATION.

(a) **SOLE ISSUES TO BE DECIDED.**—The arbitrator shall, after affording the parties an opportunity to be heard in accordance with section 579 of title 5, United States Code, determine—

(1) the appropriate amount of the franchise fee under the Contract for the period from June 13, 1991 through December 31, 2000 in accordance with the terms of the Contract; and

(2) any interest or penalties on the amount owed under paragraph (1).

(b) **DE NOVO DECISION.**—The arbitrator shall not be bound by any prior determination of the appropriate amount of the fee by the Secretary or any prior court review thereof.

(c) **BASIS FOR DECISION.**—The arbitrator shall determine the appropriate amount of

the fee based upon the law in effect on the effective date of the Contract and the terms of the Contract.

SEC. 4. FINAL DECISION.

The arbitrator shall issue a final decision not later than 300 days after the date of enactment of this Act.

SEC. 5. EFFECT OF DECISION.

(a) **RETROACTIVE EFFECT.**—The amount of the fee determined by the arbitrator under section 3(a) shall be retroactive to June 13, 1991.

(b) **NO FURTHER REVIEW.**—Notwithstanding subchapter IV of title 5, United States Code (commonly known as the Administrative Dispute Resolution Act), the decision of the arbitrator shall be final and conclusive upon the Secretary and the Concessioner and shall not be subject to judicial review.

SEC. 6. GENERAL AUTHORITY.

Except to the extent inconsistent with this Act, the arbitration under this Act shall be conducted in accordance with subchapter IV of title 5, United States Code.

The title was amended so as to read: “A bill to require the Secretary of the Interior to submit the dispute over the franchise fee owed by Fort Sumter Tours, Inc. to binding arbitration.”.

MAKING TECHNICAL CORRECTIONS TO ENERGY POLICY ACT OF 1992

DAYTON AVIATION HERITAGE PRESERVATION AMENDMENTS ACT OF 2000

Mr. MACK. Mr. President, I ask unanimous consent that the Senate proceed, en bloc, to the immediate consideration of the following items which are at the desk: H.R. 2641 and H.R. 5036.

The PRESIDING OFFICER. The clerk will report the bills by title.

The legislative clerk read as follows:

A bill (H.R. 2641) to make technical corrections to title X of the Energy Policy Act of 1992.

A bill (H.R. 5036) to amend the Dayton Aviation Heritage Preservation Act of 1992 to clarify the areas included in the Dayton Aviation Heritage National Historical Park and to authorize appropriations for that park.

There being no objection, the Senate proceeded to consider the bills.

Mr. MACK. Mr. President, I ask unanimous consent that the bills be read the third time, passed, and the motions to reconsider be laid upon the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bills (H.R. 2641 and H.R. 5036) were read the third time and passed.

UNANIMOUS CONSENT AGREEMENT—S. 1236 AND S. 1849

Mr. MACK. Mr. President, I ask unanimous consent that it be in order for the Chair to lay before the Senate, en bloc, messages from the House on S. 1236 and S. 1849, that the Senate concur, en bloc, to the House amendment, and that the action be reconsidered and tabled.

The PRESIDING OFFICER. Without objection, it is so ordered.

ARROWROCK DAM HYDROELECTRIC PROJECT

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1236) entitled “An Act to extend the deadline under the Federal Power Act for commencement of the construction of the Arrowrock Dam Hydroelectric Project in the State of Idaho”, do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. EXTENSION OF TIME FOR FEDERAL ENERGY REGULATORY COMMISSION PROJECT.

(a) *IN GENERAL.*—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 4656, the Commission may, at the request of the licensee for the project and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission’s procedures under that section, extend the time period during which the licensee is required to commence the construction of the project for three consecutive 2-year periods.

(b) *EFFECTIVE DATE.*—Subsection (a) shall take effect on the date of the expiration of the extension issued by the Commission prior to the date of the enactment of this Act under section 13 of the Federal Power Act (16 U.S.C. 806).

(c) *REINSTATEMENT OF EXPIRED LICENSE.*—If the period required for commencement of construction of the project described in subsection (a) has expired prior to the date of the enactment of this Act, the Commission shall reinstate the license effective as of the date of its expiration and the first extension authorized under subsection (a) shall take effect on the date of such expiration.

The Senate concurred in the amendment of the House.

WHITE CLAY CREEK WILD AND SCENIC RIVERS SYSTEM ACT

The PRESIDING OFFICER laid before the Senate the following message from the House of Representatives:

Resolved, That the bill from the Senate (S. 1849) entitled “An Act to designate segments and tributaries of White Clay Creek, Delaware and Pennsylvania, as a component of the National Wild and Scenic Rivers System”, do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the “White Clay Creek Wild and Scenic Rivers System Act”.

SEC. 2. FINDINGS.

Congress finds that—

(1) Public Law 102-215 (105 Stat. 1664) directed the Secretary of the Interior, in cooperation and consultation with appropriate State and local governments and affected landowners, to conduct a study of the eligibility and suitability of White Clay Creek, Delaware and Pennsylvania, and the tributaries of the creek for inclusion in the National Wild and Scenic Rivers System;

(2) as a part of the study described in paragraph (1), the White Clay Creek Wild and Scenic Study Task Force and the National Park Service prepared a watershed management plan for the study area entitled “White Clay Creek and Its Tributaries Watershed Management Plan”, dated May 1998, that establishes goals and actions to ensure the long-term protection of the outstanding values of, and compatible